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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Butte)

THE PEOPLE,

Plaintiff and Respondent,

v.

LARRY NORMAN PAINTER,

Defendant and Appellant.

C063342

(Super. Ct. Nos.
CM026288, CM030509)

While under the influence of alcohol in December 2006, defendant Larry Norman Painter threatened his wife, stating that he would get a knife and kill her and himself.¹

In February 2007, in case No. CM026288, defendant pleaded guilty to misdemeanor threatening to commit a crime that would result in death or great bodily injury. (Pen. Code, § 422.)²

¹ Because both superior court cases were resolved by plea, our statements of facts are taken from the probation officer's report.

² Further undesignated statutory references are to the Penal Code.

Imposition of sentence was suspended and defendant was placed on probation for three years. He was ordered to serve 30 days of incarceration; perform 50 hours of community service; stay away from the victim; and pay a \$200 restitution fine (\$ 1202.4, sud. (b)), a \$200 restitution fine suspended unless probation is revoked (\$ 1202.44), a \$300 battered shelter fee, a \$400 domestic violence program fee, a \$25 criminal justice administration fee, and a \$20 court security fee (\$ 1465.8).

After consuming alcohol in February 2009, defendant allowed his 16-year-old son to drive defendant's truck. The youth had a learner's permit but not a driver's license. He had four passengers: defendant and three of the youth's friends. Only defendant was wearing a seat belt. The youth drove the truck recklessly, speeding and swerving back and forth in order to hit mud puddles. He lost control of the truck and it rolled over. Defendant was arrested and a search incident thereto revealed a baggie of marijuana.

In July 2009, in case No. CM030509, defendant pleaded no contest to child endangerment (§ 273a, subd. (a); count 1), a felony, and possession of less than an ounce of marijuana (Health & Saf. Code, § 11357, subd. (b); count 2), a misdemeanor. As a result of his pleas, he was found in violation of his probation in case No. CM026288.

In September 2009, in case No. CM030509, imposition of sentence was suspended and defendant was placed on probation for four years. As conditions of probation, he was ordered to serve 120 days of incarceration with credit for three days; make

restitution to the four young victims; complete a residential treatment program and a child abuse program; and pay a \$200 fine plus penalty assessments on count 1, a \$100 fine plus penalty assessments on count 2, a \$200 restitution fine, a \$200 restitution fine suspended unless probation is revoked, a \$1,020 child abuse prevention fine including a collection fee (\$ 294, subds. (a), (d)), a \$40 court security fee, and a \$60 conviction assessment fee (Gov. Code, § 70373), and a \$25 criminal justice administration fee.

In case No. CM026288, probation was revoked as unsuccessful and defendant was sentenced to 60 days of incarceration concurrent with case No. CM030509. The previously imposed fines and fees were reimposed.

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal. (*People v. Wende* (1979) 25 Cal.3d 436.) Defendant was advised by counsel of the right to file a supplemental brief within 30 days of the date of filing of the opening brief. More than 30 days elapsed, and we received no communication from defendant. Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

NICHOLSON, Acting P. J.

We concur:

RAYE, J.

CANTIL-SAKAUYE, J.